

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
HATTIESBURG DIVISION

**SARA BROWN BOSWORTH, et al.**

**PLAINTIFFS**

**V.**

**CIVIL ACTION NO. 2:12-CV-90-KS-MTP**

**FORD MOTOR COMPANY, et al.**

**DEFENDANTS**

**ORDER**

“[F]ederal courts are courts of limited jurisdiction, having only the authority endowed by the Constitution and that conferred by Congress.” *Halmekangas v. State Farm Fire & Cas. Co.*, 603 F.3d 290, 292 (5th Cir. 2010). This Court has “original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States,” 28 U.S.C. § 1331, and “of all civil matters where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interests and costs, and is between . . . [c]itizens of different States . . . .” 28 U.S.C. § 1332(a).

“A federal question exists only in those cases in which a well-pleaded complaint establishes either that federal law creates the cause of action or that the plaintiff’s right to relief necessarily depends on the resolution of a substantial question of federal law.” *Singh v. Duane Morris LLP*, 538 F.3d 334, 337-38 (5th Cir. 2008). Plaintiffs did not assert a cause of action created by federal law, and their Complaint contains no references to federal law.

For diversity jurisdiction, the parties must be completely diverse: the citizenship of each plaintiff must be diverse from the citizenship of each defendant. *Owen Equip. & Erection Co. v. Kroger*, 437 U.S. 365, 374, 98 S. Ct. 2396, 57 L. Ed. 2d 274 (1978).

According to Plaintiffs' Complaint, Plaintiff Sara Bosworth, Plaintiff Daniel Higgins, and Defendant Epic Towing are citizens of Louisiana. Therefore, the parties are not completely diverse.

On April 10, 2013, the Court ordered Plaintiffs to show cause why this case should not be dismissed for lack of subject matter jurisdiction. Plaintiffs failed to respond to the Court's order, despite the Court's explicit warning that failure to respond would result in dismissal. Therefore, this case is dismissed without prejudice. The Court will order a separate order in accordance with Rule 58.

SO ORDERED AND ADJUDGED this 29th day of April, 2013.

*s/ Keith Starrett*  
UNITED STATES DISTRICT JUDGE